

FACSIMILE

Date: November 9, 1998

To: Lindell Tinsley
U.S. Patent and Trademark Office

Facsimile No.: (703) 305-8755

Telephone No.: (703) 305-1048

From: Brion P. Heaney

MILLEN, WHITE, ZELANO & BRANIGAN, P.C.
Arlington Courthouse Plaza I
2200 Clarendon Boulevard, Suite 1400
Arlington, VA 22201 (U.S.A.)
Facsimile: 703-243-6410

Writer's Direct Dial: 1-703-812-5308

Writer's Internet Address: heaney@mwbz.com

Re: U.S. Patent Appln. Ser. No. 08/319,357 of Schmitt-Willich et al.
 "Derivatized DTPA Complexes, Pharmaceutical Agents Containing These Compounds, Their
 Use, and Process for Their Production"
 Schering's Ref: 50235AUSC3XX00-P;
 Our Ref: SCH 1412

Total No. of Pages: 4; if you do not receive all pages, please call 703-243-6333

Dear Mr. Tinsley:

As we discussed earlier on the telephone, Figures 1-12 of Serial No. 08/319,357 were canceled by Examiners Amendment, the amendment being attached to the Supplemental Notice of Allowability of May 27, 1997. Enclosed herewith is a copy of the Supplemental Notice of Allowability with the attached Examiner's Amendment. Also enclosed is a copy of an Interview Summary (Paper No. 44) which indicates that the drawings were requested to be canceled.

If you have any questions, please give me a call.

Best regards,



Brion P. Heaney

Enclosure

K:\PAT\Sch\1412\Fax 001 PTO Tinsley.wpd

Information contained in this facsimile communication may contain privileged and confidential information and is intended solely for the use of the addressee listed above. If you are neither the intended recipient nor the employee or agent responsible for delivering this communication to the intended recipient, you are hereby notified that any disclosure, copying or distribution of, or the taking of any action in reliance on the contents of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone on 1-703-243-6333 to arrange for the return of the original document to us at our cost. Thank you.

Miller, White, Zelenko & Brahman P.C.

| | | | |
|---------------|-------------|-----------------------|---------------------|
| SERIAL NUMBER | FILING DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NO. |
| 08/23454, 307 | 07/06/84 | COMMITTEE-MILLE | 11 5001-1000 |
| | | 12M1/0627 | EXAMINER |
| | | | EDDIE Y. L. |
| | | ART UNIT | PAPER NUMBER |
| | | 1211 | 45 |

DATE MAILED 10/16/84 BY 8:00 AM

Supplemental NOTICE OF ALLOWABILITY

PART I.

1. This communication is responsive to Examiner's Amendment dated 5-14-84. It is final.

2. All the claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice Of Allowance And Issue Fee Due or other appropriate communication will be sent in due course.

3. The allowed claims are 27, 11, 13, 14, 16, 18, 26, 29, 30, 32, 36, 40, 41, 44, 49.

4. The drawings filed on _____ are acceptable.

5. Acknowledgment is made of the claim for priority under 35 U.S.C. 119. The certified copy has not been received. It has been filed in parent application Ser. No. 7/547,550 filed on 6-26-84.

6. Note the attached Examiner's Amendment.

7. Note the attached Examiner Interview Summary Record, PTO-413.

8. Note the attached Examiner's Statement of Reasons for Allowance.

9. Note the attached NOTICE OF REFERENCES CITED, PTO-892.

10. Note the attached INFORMATION DISCLOSURE CITATION, PTO-1449.

PART II.

A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE THREE MONTHS FROM THE "DATE MAILED" indicated on this form. Failure to timely comply will result in the ABANDONMENT of this application. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

1. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION, PTO-152, which discloses that the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.

2. APPLICANT MUST MAKE THE DRAWING CHANGES INDICATED BELOW IN THE MANNER SET FORTH ON THE REVERSE SIDE OF THIS PAPER.

a. Drawing informalities are indicated on the NOTICE RE PATENT DRAWINGS, PTO-948, attached hereto or to Paper No. 110-5001-1000. CORRECTION IS REQUIRED.

b. The proposed drawing correction filed on 10/16/84 has been approved by the examiner. CORRECTION IS REQUIRED.

c. Approved drawing corrections are described by the examiner in the attached EXAMINER'S AMENDMENT. CORRECTION IS REQUIRED.

d. Formal drawings are now REQUIRED.

Any response to this letter should include, in the upper right hand corner, the following information from the NOTICE OF ALLOWANCE AND ISSUE FEE DUE, ISSUE BATCH NUMBER, DATE OF THE NOTICE OF ALLOWANCE, AND SERIAL NUMBER:

Attachment: Examiner's Amendment, Notice of References Cited, Notice of Informal Application, Notice of Patent Drawings, Examiner Interview Summary Record, Reasons for Allowance, Notice of References Cited, Information Disclosure Citation, Listing of Bonded Attorneys, Other

LCK
5/14/84

Serial Number: 08/319,357

Art Unit: 1211

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Brion Heaney on May 14, 1997.

2. The application has been amended as follows:

Cancel the drawings (Figures 1-12).

On page 44, line 3, delete "In Figure 6."

On page 45, line 2, delete "Figure 8."

On page 45, line 4, delete "Figure 10."

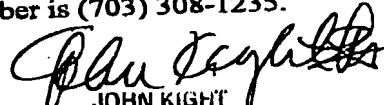
On page 45, line 10, delete "Figure 12."

3. These amendments do not constitute new matter since the Figures are not necessary to the understanding of the invention.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lara Chapman Kelley whose telephone number is (703) 308-0450. The examiner can normally be reached on Mondays through Thursdays and alternate Fridays from 7:30 a.m. to 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Kight, can be reached on (703) 308-0204. The fax phone number for this Group is (703) 308-4556.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1235.


JOHN KIGHT
SUPERVISORY PATENT EXAMINER
GROUP 1200

JCK
5/14/97



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

| | | | |
|--------------------|-------------|-----------------------|---|
| APPLICATION NUMBER | FILING DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NO. |
| | | | |
| | | | EXAMINER: [Redacted] |
| | | | |
| | | | ART UNIT: [Redacted] PAPER NUMBER: [Redacted] |
| | | | 44 |

DATE MAILED:

INTERVIEW SUMMARY

All participants (applicant, applicant's representative, PTO personnel):

(1) Brian Heaney (3) _____
 (2) Lara Kelley (4) _____

Date of Interview 5/14/97Type: Telephonic Personal (copy is given to applicant applicant's representative).Exhibit shown or demonstration conducted: Yes No If yes, brief description: _____Agreement was reached. was not reached.Claim(s) discussed: noneIdentification of prior art discussed: none

Description of the general nature of what was agreed to if an agreement was reached, or any other comments: Applicant's representative requested cancellation of drawings by examiner's amendment and references thereto.

(A fuller description, if necessary, and a copy of the amendments, if available, which the examiner agreed would render the claims allowable, must be attached. Also, where no copy of the amendments which would render the claims allowable is available, a summary thereof must be attached.)

1. It is not necessary for applicant to provide a separate record of the substance of the interview.

Unless the paragraph above has been checked to indicate to the contrary, A FORMAL WRITTEN RESPONSE TO THE LAST OFFICE ACTION IS NOT WAIVED AND MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 718.04). If a response to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW.

2. Since the Examiner's Interview summary above (including any attachments) reflects a complete response to each of the objections, rejections and requirements that may be present in the last Office action, and since the claims are now allowable, this completed form is considered to fulfill the response requirements of the last Office action. Applicant is not relieved from providing a separate record of the interview unless box 1 above is also checked.

Examiner Note: You must sign this form unless it is an attachment to another form.

FORM PTO-413 (REV.1-96)

FACSIMILE

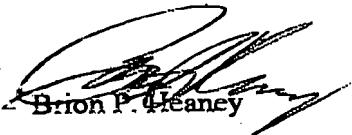
| | |
|--|---|
| Date: November 9, 1998 | From: Brion P. Heaney |
| To: Lindell Tinsley U.S. Patent and Trademark Office | MILLEN, WHITE, ZELANO & BRANIGAN, P.C. Arlington Courthouse Plaza I 2200 Clarendon Boulevard, Suite 1400 Arlington, VA 22201 (U.S.A.) Facsimile: 703-243-6410 |
| Facsimile No.: (703) 305-8755 | Writer's Direct Dial: 1-703-812-5308 |
| Telephone No.: (703) 305-1048 | Writer's Internet Address: heaney@mwbz.com |
| Re: U.S. Patent Appln. Ser. No. 08/319,357 of Schmitt-Willich et al. "Derivatized DTPA Complexes, Pharmaceutical Agents Containing These Compounds, Their Use, and Process for Their Production" Schering's Ref: 50235AUSC3XX00-P; Our Ref: SCH 1412 | |
| Total No. of Pages: 4; if you do not receive all pages, please call 703-243-6333 | |

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Brion P. Heaney

Enclosure

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MAY 30 1991



MILLEN, WHITE, ZELAND & BRANNIGAN P.C.

SERIAL NUMBER

FILING DATE

FIRST NAMED APPLICANT

ATTORNEY DOCKET NO.

08/03154, 862

07/06/90

MILLEN, WHITE, ZELAND & BRANNIGAN

SCH1-132

12M170422

MILLEN, WHITE, ZELAND & BRANNIGAN
ARLINGHAM COURTHOUSE PLAZA 1
2500 CLARENCE LEE BLVD, ALEXANDRIA, VA 22301
TELE: (703) 544-5300

EXAMINER

KELLEY, Y.L.

ART UNIT

PAPER NUMBER

12211

FS

DATE MAILED: 11/22/98

Supplementary NOTICE OF ALLOWABILITY

PART I.

1. This communication is responsive to 104/51640-5-14.

2. All the claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice Of Allowance And Issue Fee Due or other appropriate communication will be sent in due course.

3. The allowed claims are 2-7, 11, 13, 14, 16-18, 26, 29, 30, 32, 36-40 + 44-49.

4. The drawings filed on _____ are acceptable.

5. Acknowledgment is made of the claim for priority under 35 U.S.C. 119. The certified copy has not been received. 1/15/94, 530 filed on 6-28-90.

6. Note the attached Examiner's Amendment.

7. Note the attached Examiner Interview Summary Record, PTO-413.

8. Note the attached Examiner's Statement of Reasons for Allowance.

9. Note the attached NOTICE OF REFERENCES CITED, PTO-892.

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PART II.

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1. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION, PTO-152, which discloses that the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.

2. APPLICANT MUST MAKE THE DRAWING CHANGES INDICATED BELOW IN THE MANNER SET FORTH ON THE REVERSE SIDE OF THIS PAPER.

a. Drawing informalities are indicated on the NOTICE RE PATENT DRAWINGS, PTO-948, attached hereto or to Paper No. 12211. **CORRECTION IS REQUIRED.**

b. The proposed drawing correction filed on 11/22/98 has been approved by the examiner. **CORRECTION IS REQUIRED.**

c. Approved drawing corrections are described by the examiner in the attached EXAMINER'S AMENDMENT. **CORRECTION IS REQUIRED.**

d. Formal drawings are now REQUIRED.

Any response to this letter should include in the upper right hand corner, the following information from the NOTICE OF ALLOWABILITY AND ISSUE FEE DUE: ISSUE BATCH NUMBER, DATE OF THE NOTICE OF ALLOWANCE, AND SERIAL NUMBER:

Attachment: 12M170422 (1) 12211 (2) 08/03154, 862 (3) 11/22/98 (4) 12M170422 (5) 12211 (6) 08/03154, 862 (7) 11/22/98 (8) 12M170422 (9) 12211 (10) 08/03154, 862 (11) 11/22/98 (12) 12M170422 (13) 12211 (14) 08/03154, 862 (15) 11/22/98 (16) 12M170422 (17) 12211 (18) 08/03154, 862 (19) 11/22/98 (20) 12M170422 (21) 12211 (22) 08/03154, 862 (23) 11/22/98 (24) 12M170422 (25) 12211 (26) 08/03154, 862 (27) 11/22/98 (28) 12M170422 (29) 12211 (30) 08/03154, 862 (31) 11/22/98 (32) 12M170422 (33) 12211 (34) 08/03154, 862 (35) 11/22/98 (36) 12M170422 (37) 12211 (38) 08/03154, 862 (39) 11/22/98 (40) 12M170422 (41) 12211 (42) 08/03154, 862 (43) 11/22/98 (44) 12M170422 (45) 12211 (46) 08/03154, 862 (47) 11/22/98 (48) 12M170422 (49) 12211 (50) 08/03154, 862 (51) 11/22/98 (52) 12M170422 (53) 12211 (54) 08/03154, 862 (55) 11/22/98 (56) 12M170422 (57) 12211 (58) 08/03154, 862 (59) 11/22/98 (60) 12M170422 (61) 12211 (62) 08/03154, 862 (63) 11/22/98 (64) 12M170422 (65) 12211 (66) 08/03154, 862 (67) 11/22/98 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UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

| APPLICATION NUMBER | FILING DATE | FIRST NAMED APPLICANT | ATTORNEY/DOCKET NO. |
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|--------------------|-------------|-----------------------|---------------------|

EXAMINER

ART UNIT

PAPER NUMBER

44

DATE MAILED:

INTERVIEW SUMMARY

All participants (applicant, applicant's representative, PTO personnel):

(1) Brian Heaney

(3) _____

(2) Lara Kelley

(4) _____

Date of interview 5-14-97Type: Telephonic Personal (copy is given to applicant applicant's representative).Exhibit shown or demonstration conducted: Yes No If yes, brief description:Agreement was reached. was not reached.Claim(s) discussed: noneIdentification of prior art discussed: none

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1. It is not necessary for applicant to provide a separate record of the substance of the interview.

Unless the paragraph above has been checked to indicate to the contrary, A FORMAL WRITTEN RESPONSE TO THE LAST OFFICE ACTION IS NOT WAIVED AND MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See, MPEP Section 713.04). If a response to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW.

2. Since the Examiner's interview summary above (including any attachments) reflects a complete response to each of the objections, rejections and requirements that may be present in the last Office action, and since the claims are now allowable, this completed form is considered to fulfill the response requirements of the last Office action. Applicant is not relieved from providing a separate record of the interview unless box 1 above is also checked.

Examiner Note: You must sign this form unless it is an attachment to another form.

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1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Brion Heaney on May 14, 1997.

2. The application has been amended as follows:

Cancel the drawings (Figures 1-12).

On page 44, line 3, delete "In Figure 6."

On page 45, line 2, delete "Figure 8."

On page 45, line 4, delete "Figure 10."

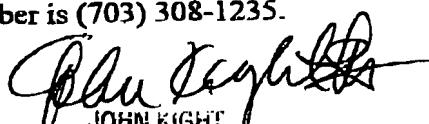
On page 45, line 10, delete "Figure 12."

3. These amendments do not constitute new matter since the Figures are not necessary to the understanding of the invention.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lara Chapman Kelley whose telephone number is (703) 308-0450. The examiner can normally be reached on Mondays through Thursdays and alternate Fridays from 7:30 a.m. to 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Kight, can be reached on (703) 308-0204. The fax phone number for this Group is (703) 308-4556.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1235.


JOHN KIGHT
SUPERVISORY PATENT EXAMINER
GROUP 1200


JCK
5/14/97